



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4062-00
1 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 3 October 1950 at the age of 17. Your record reflects that during the period from 4 May to 26 October 1951 you received captain's mast (CM) for drunkenness and using profane language, were convicted by summary court-martial (SCM) of an eight day period of unauthorized absence (UA), and received nonjudicial punishment (NJP) for absence from your appointed place of duty.

Your record further reflects that during the period from 4 January to 30 July 1952 you received NJP on three more occasions for two days of UA and disobedience. You were also convicted twice by SCM of two periods of UA totalling eight days and missing the movement of your ship. On 12 September 1952 you were convicted by special court-martial (SPCM) of a 13 day period of UA and missing the movement of your ship. You were sentenced to confinement at hard labor for four months, a \$100 forfeiture of pay, and reduction to paygrade E-1, and a bad conduct discharge (BCD). However, the BCD was suspended.

During the period from 12 January to 26 May 1953 you received CM on two occasions for two days of UA and failure to obey a lawful order. You were also convicted by SCM of a three day period of UA.

On 11 June 1952 you were notified of pending administrative separation action by reason of unfitness due to repeated offenses. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the discharge. Subsequently, your commanding officer recommended you be issued an undesirable by reason of unfitness. On 24 June 1953 the discharge authority directed your commanding officer to issue you an undesirable and on 8 July 1953 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that after hiding your discharge for the last 45 years, you would like to reclaim some self-esteem. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct which resulted in eight NJPs and five court-martial convictions. The Board noted that your misconduct continued even after the BCD was suspended. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director